



CITY OF SUNNYVALE REPORT Planning Commission

August 23, 2004

SUBJECT: **2004-0531 - Classic Communities** [Applicant] **Golden Gate Commercial Company** [Owner]: Application for related proposals on a 2.6-acre site located at **624 East Evelyn Ave** in a C-1/ITR/R-3/PD (Neighborhood Business/Industrial to Residential/Medium-Density Residential/Planned Development) Zoning District. (APN: 209-13-059, 020) (Negative Declaration)

Motion **Special Development Permit** to allow the construction of 47 new townhomes, and

Motion **Tentative Map** to subdivide two lots into 47 lots and one common lot.

REPORT IN BRIEF

Existing Site Conditions Two office buildings

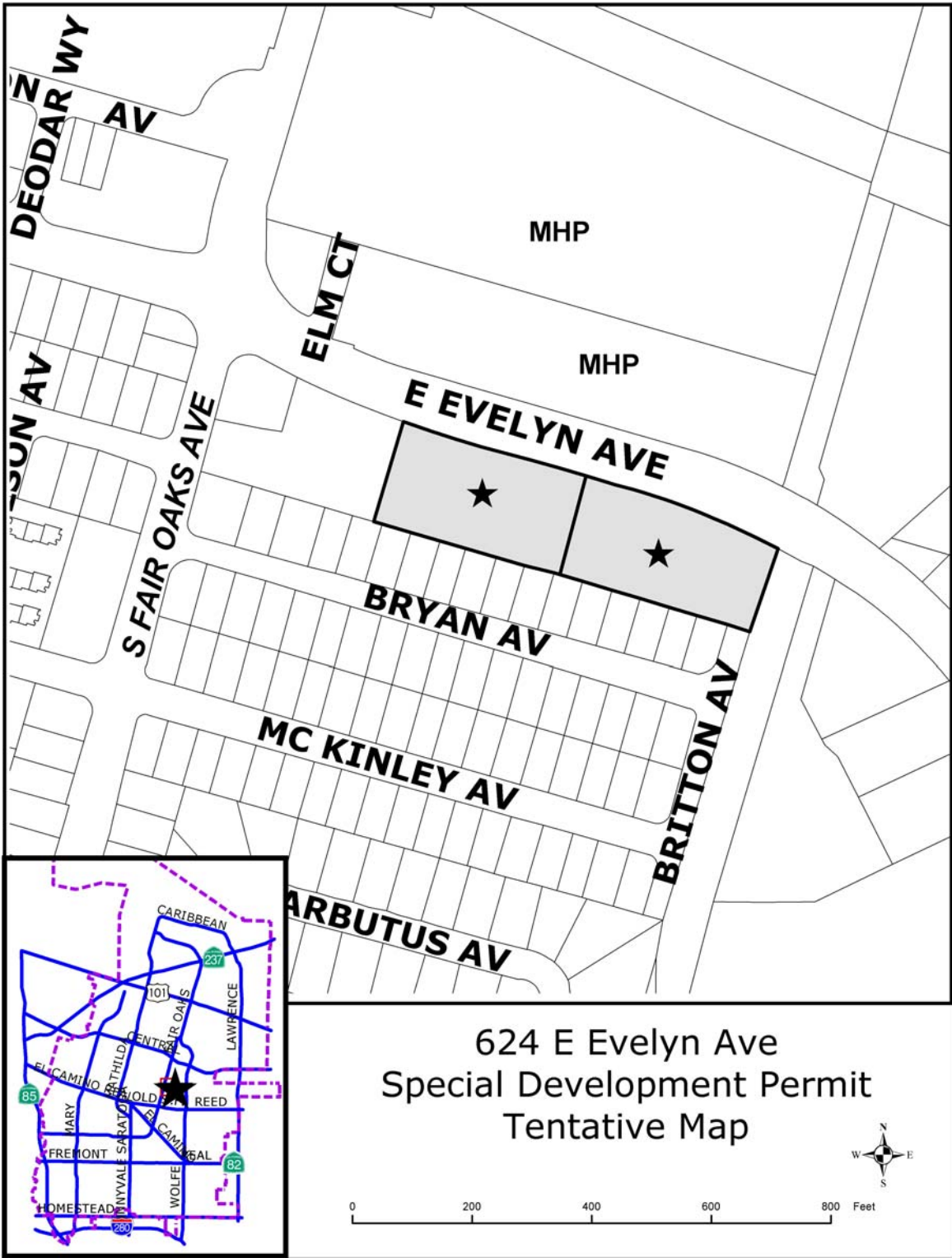
Surrounding Land Uses

North	Blue Bonnet Mobile Home Park (Across Street)
South	Low Density Residential
East	Sunnyvale East Channel/Toll Brothers Townhomes (Under Construction)
West	Retail Shopping Center

Issues Compatibility of the proposed townhomes with the surrounding uses.
Driveways on Evelyn Ave.

Environmental Status A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approval with conditions



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	Industrial to Residential Medium Density	Same	--
Zoning District	C-1 / ITR-3 / PD (Neighborhood Commercial, Industrial to Residential Medium Density, Planned Development)	Same	--
BMR	N/A	6	6
Site Data			
★ Lot Size	2.58 acre	Lot Ave: 1,250 sf. Common Lot: 53,500	8,000 sf.
★ Lot Width (f.t.)	641'	Lot Average: 21' Common Lot : 641'	120'
Gross Floor Area (s.f.)	34,300 sf.	99,361 sf.	None
Lot Coverage (%)	31%	Project Total: 30%	40% max.
Floor Area Ratio (FAR)	31%	Overall Project Total: 88.5%	None
No. of Units	2 buildings	47	62 max.
Density (units/acre)	N/A	18 du/ac	24 du/ac
Meets 75% min?	No	Yes	46 min.
Bedrooms/Unit	N/A	All units 3 bedrooms	N/A
Unit Sizes (s.f.) (includes garages)	N/A	Plan 1 – 2,063 sf. Plan 2 – 2,213 sf. Plan 3 – 2,213 sf.	N/A
No. of Buildings On-Site	2	8	---
★ Building Height (ft.)	20'	37' 1"	30' max.
★ No. of Stories	1	3	2 max.

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
Setbacks (facing property) 1st Floor/2nd Floor/3rd Floor			
★ • Front (minimum and average)	43'	16' min 18' avg	15' min 20' avg
• Left Side (1 st , 2 nd , 3 rd stories)	30'	51'	6'/ 9'/ 12'
• Right Side (1 st , 2 nd , 3 rd stories)	50'	38'	9'/ 12'/ 15'
• Total Side-yard (1 st , 2 nd , 3 rd stories)	80'	84'	15'/ 21'/ 27'
• Rear	50'	33'	20' min.
Landscaping (s.f.)			
• Total Landscaping	22,651 sf. (20%)	37,307 sf. (33%)	22,651 sf. (20%) min.
• Landscaping / Unit	N/A	794 sf.	425 sf.
• Usable Open Space/Unit	N/A	494 sf.	400 sf.
Parking			
• Total No. of Spaces	156	121	118 min.
• No. of Covered Spaces	0	94	94 min.
• Driveway Aisle Width (ft.)	26'	24'	24' min.
Storage			
Lockable Storage (cubic feet/ unit)	N/A	400 cf/du	300 cf/du
Bicycle Parking	N/A	12 spaces in bike racks	12

★ Indicates deviation from the Zoning Code.

ANALYSIS

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site:

File Number	Brief Description	Hearing/Decision	Date
Futures Study	Rezone to C-1-ITR-PD	City Council	1993
1989-0152	Rezone from C-2-PD to C-2-(O)-PD	City Council	1989
1981-0428	Tentative Map for 4 lot subdivision	City Council	1981

A Planning Commission study session was held for this item on August 9, 2004. At that meeting, the Planning Commission had comments on the following issues: on-street parking, the number of driveways proposed for the site, the total number of units, the impact of this development on the adjacent R-0 properties, and the centralized trash enclosures. The Commissioners also felt the project had several positive aspects, including: good location of open space, good site design to protect the adjacent R-0 neighbors and nice architecture.

The applicant has submitted an alternative site plan showing modifications to the driveways on the site (See Attachment #5). A detailed discussion of this follows.

Description of Proposed Project

The applicant is requesting approval of a Tentative Map to subdivide two parcels, totaling 2.6 acres, into 48 lots (i.e. 47 lots and one common lot), and a Special Development Permit (SDP) to allow for construction of 47 townhomes in 8 separate buildings. Private streets will extend through the site and provide access to private garages for each unit.

The project will include the required 12.5% Below Market Rate (BMR) units, for a total of 6 units, pursuant to the Sunnyvale Municipal Code (SMC) Section 19.66.020 (see BMR Conditions of Approval in Attachment 2). The Director of Community Development will determine BMR sales prices at the time of building permit issuance.

The following is a summary of the proposed sizes and square footages for the units:

Unit Type	Number of Units	Unit Type	Unit Sizes
Plan 1	38	3 Bedroom	2,063 sf.
Plan 2	8	3 Bedroom	2,213 sf.
Plan 3	8	3 Bedroom	2,213 sf.

Environmental Review

A Negative Declaration has been prepared for this project in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment 3, Initial Study).

Special Development Permit

Present Site Conditions: This site is located between an existing commercial retail shopping center to the west and the Sunnyvale East Channel to the east. On the other side of the channel is another townhome development currently being constructed by Toll Brothers. To the rear is an existing single family neighborhood built primarily during the 1950's. The subject site is currently developed with two commercial office buildings (Fair Oaks Commercial Center), which were approved by the City Council in 1981. These buildings have been mostly vacant for several years, and the applicant is proposing to demolish these buildings.

Use: An SDP is required, rather than a Use Permit, since the site is in a Planned Development Combining District Zone that requires an SDP. This permit addresses the use, building architecture and site layout as well as specific deviations requested in the project.

The proposed project would convert an existing commercial office site to a residential use. The townhomes proposed for this project are consistent with the uses allowed for the C-1/ITR/R3/PD Zone. The project consists of 47 ownership townhome units at a density of 18 units/acre, where 62 units is the maximum allowed density under the R-3 Zoning designation. The proposed project is 18 du/acre (75% of zoning density), meeting the Housing and Community Revitalization Sub-element goal of providing 75% of the maximum density allowed.

At the Planning Commission study session, there was discussion of reducing the total number of units below this 75% threshold, in order to minimize the number of driveways on Evelyn and minimize the impact to the adjacent neighborhood.

The City's General Plan contains numerous goals, policies and action statements concerning development projects being built at densities similar to what the zone requires. The intent of the minimum density is multifold, but revolves round two primary themes, including, Sunnyvale meeting its regional fair share of housing and Sunnyvale working towards a jobs/housing balance. The Housing and Community Revitalization Sub-Element contains the most specific policy statements in Goal section "A" (first section):

Policy A.2: *All new housing developments should build at least 75 percent of the permitted zoning density*

The Planning Commission has required most development projects in the past to adhere to this minimum density requirement. Exceptions granted in the past were for parcels which had physical constraints on the land that other similar parcels did not contain (ie. substandard lot sizes, unusual configuration of the lot, easement across the land affecting development, or for small parcels that inhibited the minimum 75% density). The applicant has stated that they do not wish to have the number of units reduced to below the proposed 47 units. Staff does not recommend the Planning Commission approve this project below the minimum 75 percent density.

Site Layout: Throughout the Preliminary Review and Special Development Permit process, the applicant has submitted over ten different site layout designs. The applicant and staff have worked diligently together to arrive at a configuration for the site that not only meets the applicant's needs, but also meets SMC requirements. This project is constrained from a site planning perspective, since it is a very wide and shallow site. The applicant has also been working directly with the single-family neighbors to the south to incorporate their ideas into the final site design.

The Planning Commission, at their study session, suggested that one or two of the five driveways could be removed from the site plan in order to facilitate circulation and safety in the area. The applicant has submitted an alternative site plan showing the removal of one driveway and "No Left Turn" signs at two others. (See Attachment #5)

The following represents a brief summary of the advantages and disadvantages to the proposed and alternative site plans:

Parking

- The 14 parking spaces to the eastern side of the property are situated under an existing PG&E power line easement where no structures can be placed
- Parking spaces between the existing commercial retail center and the project creates an additional buffer

- The guest parking spaces are spread throughout the site so they are reasonably accessible to all units
 - Parking spaces near the back of the site is not desired by the adjacent residents
 - Proposed plan provides the maximum number of guest parking spaces, while an alternative plan provides 3 fewer spaces
- Driveways & Circulation**
- Driveways are not leading around the backs of the buildings, therefore reducing the impact to adjacent residents and maximizing the usable open space
 - Proposed and alternative plans have the same number of driveways on site, but the alternative plan has fewer driveways connections to Evelyn
 - Alternative plan restricts most townhome residents from turning left upon exiting from the site
- Setbacks**
- The 33' setback at the rear property line provides a significant buffer to the single-family properties to the south
 - The new townhomes are 37' tall, so a large setback area to the rear helps to minimize potential mass and scale impacts
 - A 33' wide buffer area will allow for planting of large and more significant trees
 - Project meets the minimum front and side setbacks – no deviations
 - Greater front setback allows for a greater landscaped buffer from the street
- Open Space**
- The proposed configuration creates the maximum amount of usable open space and landscaping and minimizes hardscape areas
 - Large areas of usable open space in the back of the property are optimal area for both the future townhome residents as well as the adjacent single-family residents
 - Large unpaved areas will help make a better stormwater management plan
- Trash**
- Solid waste disposal trucks can easily access the centralized enclosures
 - The two trash enclosures are centrally located so that no townhome resident will have a long distance to walk
 - Alternative plan would have one of the two trash enclosures moved away from the single-family residents and close to the western property line

- Building Orientation**
- Front 8 units are fronting on Evelyn, not turning away from the street
 - An entire building fronting on the street could have a better relationship with the street

The City's Transportation Division stated that this portion of Evelyn has a low traffic volume, unlike other sections of Evelyn. No traffic related problems are anticipated to result from this proposal. They also stated, while the project may increase trips in the area during weeknights and on weekends due to the new residential use, the project will actually decrease the AM/PM peak hour trips during the weekdays. The existing commercial office buildings produced 51 trips during the AM and PM peak traffic hours. The 47 residential units produce 29 AM and PM peak hour trips. Therefore, there will be a decline in the peak hour trips produced by the new project versus the existing use. Finally, Transportation staff noted that there are currently three driveways at the site, so an increase to five is not expected to have a noticeable effect on the circulation or safety in the area.

The applicant stated that the originally submitted design is their preferred site configuration, for the reasons stated above, but will accept the alternative configuration if the Planning Commission desires. Staff agrees with the applicant that the proposed site plan is the most favorable configuration for the site, given the many constraints on the parcels configuration and recommends the Planning Commission does not approve the alternative plan.

Surrounding Uses: To the west, this site abuts a commercial/retail shopping center which contains small tenant businesses, including two restaurants. There is a driveway and parking lot separating this use with the subject site. The shopping center is also zoned ITR for eventual conversion to residential. To the north is a mobile home park (Blue Bonnet) consisting of 55 unit spaces. To the East is the Toll Brothers Townhome project under construction and to the south is the previously discussed single-family neighborhood.

The following Guidelines were considered in analysis of the project site design:

Design Policy or Guideline (Site Layout)	Comments
Site Design A1: New projects shall be compatible with the surrounding development in intensity, setbacks, building forms, material, color and landscaping.	<i>This project is consistent with the surrounding zoning of this site. Through project design it is compatible with the surrounding developments. Future land uses in this area will all be medium density residential uses.</i>

Site Design B9: Residential projects may have a primarily internal orientation for privacy, providing that the site is visually linked with its surroundings by appropriate use of landscaping and building siting.	<i>The proposed project offers internal circulation through private driveways with the buildings fronting on East Evelyn and oriented towards the street. The project also offers future vehicle and pedestrian connections internal to the site.</i>
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Architecture: The project utilizes a combination of various architectural styles and materials. The applicant has incorporated a good use of articulation of the buildings, varied rooflines, and window placement and type. In general, staff believes the applicant has met the goals of the City-Wide Design Guidelines with the proposed architecture. The applicant has submitted two different facade treatments for the exteriors of the buildings. Buildings A and B show a simple stucco exterior finish, while the second Building B, show the same facade, with the addition of a stone veneer on alternating units. Staff believes a similar treatment should be incorporated on all building elevations. The applicant can alter the materials and colors, but should incorporate some additional element to the exterior facades to further differentiated the units from one another. This has been added as Recommended Condition of Approval #10.

The eight end units fronting on East Evelyn will present towards the street. The front entryways are oriented along the street to help create a more traditional streetscape. This unit orientation is comparable to two other projects on Evelyn, Villa Del Sol (N. Sunnyvale Ave.) and Toll Brothers (Wolf Road). The end units closest to the single-family neighborhood will be designed to minimize the privacy impact to the adjacent neighbors. The applicant is proposing to incorporate clerestory windows, as well as, obscured glass which will allow light into the units but not visibility. Most of the adjacent neighbors have agreed this is the best solution for these units. This has been added as Recommended Condition of Approval #11.

The maximum height of the buildings, as measured from the top of curb on Evelyn, is 37'1" for all 8 buildings. The actual buildings are 34'1" high, but the applicant is proposing to raise the grade of the site by 3' in order to remove the townhomes from the "AO" Flood Zone. The Pulte Homes development on Karlstad Drive at Tasman and "The Gardens" (located at California Avenue and La Mesa Terrace) are examples of somewhat similar ownership projects where three story structures are constructed on raised topography.

Building height deviations are not uncommon in R-3 Zoning District townhome developments, as it is otherwise difficult to meet the minimum density requirement of 75% and provide required parking, open space and site circulation

in a two story structure; particularly when townhouse style development includes 2-car garages.

The following Guidelines were considered in the analysis of the project architecture:

Design Policy or Guideline (Architecture)	Comments
Architecture C1: Maintain diversity and individuality in style but be compatible with the character of the neighborhood.	<i>The proposed project will be constructed of a design, materials, and at a residential scale that is acceptable with the rest of the neighborhood and adjacent development. It is the second residential project in "Futures 4a" since the Future Sites designation in 1993.</i>
Architecture C2: In areas where no prevailing architectural style exists, maintain the general neighborhood character by the use of similar scale, forms, and materials providing that it enhances the neighborhood.	<i>The proposed project, with the recommended Conditions of Approval, maintains the character of the zoning district in terms of architectural styling as well as enhancing the neighborhood of existing commercial and multi-family residential buildings.</i>
Architecture C9: Include decorative building elements in the design of all buildings. Add more interest to buildings by incorporating changes in wall plane and height, etc.	<i>The Contemporary style architecture of the proposed buildings has a number of design elements that create a high-quality product, although there could be an increase in the architectural detailing as recommended in the Conditions of Approval. Staff recommends Conditions of Approval that would require additional design features to be incorporated into the final design.</i>

Landscaping: Residential uses within the R-3 Zoning District are required to provide a minimum of 400 sf. of usable open space and 425 sf. of total landscaping per unit. The proposed project meets both the required usable open space and required landscaping. The project provides 37,307 sf. of Total Landscaping or 794 sf. per unit, and 23,227 sf. or 494 sf. per unit of Usable Open Space.

The applicant submitted an Arborist's Report showing that none of the existing trees are significant specimens and he does not recommend protection of any of the existing trees. The applicant is proposing to remove all of the existing trees, most of which are Bottlebrush. The City Arborist concurs with the applicant's proposal. There are several existing Eucalyptus street trees in the City's public right-of-way along Evelyn. The City Arborist has recommended that these trees be removed during the redevelopment of this site. He stated that they are not significant specimens and have been pruned incorrectly, therefore, he is recommending their removal and replacement.

The adjacent single-family neighbors have stated that additional trees planted next to the end units will help to provide a barrier between the new townhomes and their back yard areas. This planting can occur within the 33' wide rear yard landscape area. Staff believes that additional tree planting or larger, mature trees will help to create a visual buffer between this project and the adjacent neighbors. Staff has incorporated Recommended Condition of Approval #12 to require the applicant plant larger size and species trees, up to 36" boxes, in this rear landscape area. The total number of trees, species, sizes, and placement shall be at the discretion of the City Arborist and final approval shall be subject to the Director of Community Development.

A final tree protection and landscaping/irrigation plan with types, quantities and sizes of trees and shrubs is required before issuance of a building permit. The applicant has submitted a preliminary Tree and Landscaping plan that indicates a preliminary proposal for trees and other vegetation. The project includes the installation of over 100 trees varying in species from ornamental Pears to Coastal Redwoods near the property lines.

Sunnyvale Municipal Code 19.38.070 requires that a fifteen foot landscaped frontage be provided on site. This area may include sidewalks and be crossed by access drives and parking areas. The project meets this requirement in the front yard area.

Use of Separation Wall: Sunnyvale Municipal Code requires a decorative masonry/sound wall separating residential and commercial uses. In this case, only the western property line would be required to have 6' high masonry wall, since the adjacent commercial building is a one-story structure. There is an existing 8' high masonry wall on the southern property line that is proposed to remain.

The following Guidelines were considered in analysis of the project landscaping:

Design Policy or Guideline (Landscape)	Comments
Guiding Policy: Landscaping shall be used to enhance sites and buildings, control climate and noise, create transition between adjacent uses, unify various site components, and define and separate functions and activities.	<i>With the proposed landscaping enhancements, the project will comply with this policy.</i>
Landscaping A4: Properly landscape all areas not covered by structures, driveways, and parking.	<i>The site meets the total landscaping requirement for each unit and will provide over 100 new trees throughout the site. The project will meet the usable open space requirement.</i>

Below Market Rate (BMR): This project will require a total of 6 Below Market Rate (BMR) Units, to meet the City's requirement of allocating 12.5% of new ownership housing units as BMR units. The BMR units will be selected in accordance with the City of Sunnyvale Below Market Rate Housing Program Administrative Procedures. The Applicant has signed a BMR Standard Permit Conditions document.

Required Storage: Sunnyvale Municipal Code 19.38.040 requires multi-family residential projects to provide a minimum of 300 cubic feet of separate, lockable, and weatherproof storage space. This project meets this requirement by providing every unit with 2-car garages as well as enclosed storage areas on this garage level.

Parking/Circulation: Two-way drive aisles, a minimum of 22 feet in width, lead through the interior of the project site providing convenient access to parking and efficient circulation on the site. All garages have a 24' back-up distance. The pedestrian walkways leading between the front entryways are all connected to the public sidewalks. The walkways are also connected to the driveways at the rear of the site. Staff believes there will be sufficient connectivity for residents to easily walk the site without ever having to leave a hardscape surface.

The project complies with the Zoning Code's minimum required parking standards by providing two covered spaces per unit for a total of 94 spaces and 27 surface parking guest spaces (1/2 space per unit). Each unit will have direct access from the living area of the individual unit into its attached garage. Staff has included a Condition of Approval requiring that all 27 unenclosed parking

spaces shall be maintained as visitor spaces and shall be properly designated with signs or parking stall stenciling.

Currently there is limited on-street parking along this portion of Evelyn. The north side of the street has parallel parking with no restrictions and the south side has parallel parking for vehicles less than 16 feet long. This restriction was put in effect to limit long-term parking of recreational vehicles, which had become an issue in this area. The City's Transportation Division stated that there is a pending plan to remove all on-street parking on Evelyn from Bernardo Avenue down to Wolfe Road, in order to install bicycle lanes on both the north and south side of the street. This plan has not yet been finalized and may change within the next year, prior to its implementation. The Transportation Division is aware that there is a parking problem associated with the Blue Bonnet Mobile Home Park, and will be working with the residents there to resolve the issue. Outreach to all affected residents on Evelyn will also occur prior to finalization of the plan. The bicycle lane plan is not directly related to this project.

The following Guidelines were considered in analysis of the project parking and circulation:

Design Policy or Guideline (Parking/Circulation)	Comments
Guiding Policy: Project site shall be conveniently accessible to both pedestrians and automobiles. Sufficient off-street parking shall be provided for every project. On-site circulation patterns shall be designed to adequately accommodate traffic. Potential negative impacts of parking areas on adjacent uses shall be minimized and mitigated.	<i>Adequate parking and on-site vehicle and pedestrian circulation have been provided for the proposed use and, as conditioned, the project complies with the Zoning Code parking requirements.</i>

Bicycle Parking: The enclosed 2-car garages will meet SMC requirements for secured bicycle parking. The applicant is providing 12 bicycle racks (rate of 1:4 units) in two locations on site.

The following Guidelines were considered in analysis of the bicycle parking:

Design Policy or Guideline (Bicycle Parking)	Comments
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Land Use and Transportation Guiding Policy: C3.5 Support a variety of transportation modes.	<i>Installation of bike racks may encourage bicycle traffic to and from the site.</i>
Action Statement: C.3.5.4. Maximize the provision of bicycle and pedestrian facilities.	
Policy N1.13.5: Provide pedestrian and bicycling opportunities to neighborhood commercial services.	<i>Provision of bicycle parking helps promote alternative modes of transportation. The project's location relative to commercial services will make walking and bicycling feasible.</i>

Trash Enclosure: SMC requires that multi-family uses, of four or more units, have centralized trash and recycling enclosures at the site. The applicant has incorporated two centralized enclosures on site, both with dumpsters and recycling containers. These enclosures are in substantially the same location as the two existing enclosures used for the office buildings. There are only a limited number of areas where the enclosures could realistically be located. It was important that they be close enough to the central driveway so that garbage collection was not required to roll the dumpsters a long distance, and it was also important to have the enclosures within a reasonable proximity to the units so residents do not have to haul trash an unreasonable distance. The final trash enclosure recommended placements were determined by a consensus of the Traffic Division, Solid Waste Division, Planning Division, and the applicant.

At the Planning Commission Study session, a suggestion was made that the applicant remove the centralized trash enclosures to minimize the impact to the adjacent residents. Instead, individual trash/recycle bins would be provided to residents to be stored in their garages. The City's Solid Waste Division stated that if this were incorporated into the design, the project would be very difficult to serve. The solid waste trucks are 40' long and requires a minimum width of 20' in order to lift the individual trash bins with the mechanical arm. Some Planning Commissioners have expresses a preference for individual receptacles for townhouse developments. The centralized enclosure requirement was adopted in response to concerns with individual receptacles in townhome developments. Staff recommends the Planning Commission retain the centralized enclosures as part of the project.

The following Guidelines were considered in analysis of the bicycle parking:

Design Policy or Guideline (Trash/Recycling)	Comments
Waste Water Sub-Element Goal 3.2: Ensure that all municipal solid waste generated within the City is collected and transported in a manner that protects public health and safety.	<i>The proposal meets current SMC requirements.</i>

Stormwater Management: This project requires compliance with the new Stormwater Management requirements. The City of Sunnyvale requires Stormwater Management Plans to be certified by a qualified third party consultant prior to issuance of building permits.

The Applicant has been advised of the associated Stormwater Management Plan costs and responsibilities for construction and long term maintenance and reporting. The applicant has provided a preliminary plan that indicates generally how they will comply. Staff finds the initial submittal sufficient; however, a third-party certified set of plans will be required prior to issuance of Building permits.

Easements/Undergrounding: There are no overhead utilities located at the site. There are high-tension PG&E power lines on the adjacent property and a portion of that easement (10') lands on the subject site. This easement area will be used as a guest parking area. All new services are required to be undergrounded.

Tentative Map

General: The proposed project requires a Tentative Map to subdivide two parcels, totaling 2.6 acres, into 48 lots. The lots will have an average size of 1,250 sf. The proposed parcels do not meet the required minimum lot size (8,000 sf.) or the established frontage requirement (120 ft) for parcels in the R-3 Zoning District; however, the proposed parcel sizes and configuration may be permitted through the PD Zoning designation. The lot sizes and configurations are consistent with similar townhouse developments found throughout Sunnyvale and are necessary to support the typical townhouse development pattern; therefore, staff supports the requested deviations in minimum lot size and street frontage dimensions.

Access: All lots obtain vehicular access from the five driveways leading from East Evelyn Ave. Utilities will also be placed underground in the common lot via a public utilities easement.

Transportation Impact Fee

The City's Traffic Division has indicated there would be no net increase in the trip generation at this site. This is due to the large square footage of the existing office buildings. Therefore, no Traffic Impact Fees will be required for this project.

Park Dedication Fee

This project is subject to Park Dedication Fees. The park dedication fees for this project are \$4,851.50/unit or \$228,020.50. This fee shall be collected prior to action on a Final Map.

Compliance with Development Standards

Requested Deviations	Justifications
<ul style="list-style-type: none">• Average lot size of 1,250 where 8,000 is required• A minimum lot width of 21' where 120' is required• Average front yard setback of 18' where 20' is required• Building heights of up to 37'1" where 30' is the maximum allowed• Three stories where only 2 are allowed• All parcels must have public street frontages	<ul style="list-style-type: none">• The parcel is relatively wide and shallow, thereby limiting site planning options• Provides ownership opportunities creating 47 new townhome units• Project mimics and complements current and future development pattern in the neighborhood• Site Layout allows for efficient circulation/parking• This project provides over 1.5 times the minimum landscape required

The proposal includes two typical townhome deviations; the lot size and lot width requirements. Staff supports the reduced lot size and lot width of each individual lot in order to facilitate the townhouse development, which would create home ownership opportunities.

Staff believes this project provides a higher level of architectural quality, with the recommended Conditions of Approval, increased average open space and landscaping per unit, a compatible residential use with the surrounding uses and additional ownership opportunities that would not be available if the project were required to comply with the standards noted. Staff finds adequate justification to approve the requested deviations with the Recommended Conditions of Approval.

Expected Impact on the Surroundings

The proposed project will lead to an increase in the intensity buildings on of the site. No significant traffic or noise impacts are expected as a result of the project. The main impact will be visual, as 3-story structures will change the look of the site from the street and from the residential properties to the south. The

applicant has worked with staff and the neighbors to address the project's compatibility with the existing neighborhood and to minimize the impacts. The applicant held a neighborhood meeting where the property owners within a 300' radius were invited to attend and give feedback on the proposal. Staff finds that the proposal will not create a compatibility issue in the neighborhood and finds the architectural style suitable for the surrounding neighborhood.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the General Plan Amendment, Rezone, Special Development Permit, and Tentative Map.

- Findings are located in Attachment 1.
- Recommended Conditions of Approval are located in Attachment 2

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 659 notices were mailed to the property owners and tenants within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

The applicant hosted a community meeting for residents, businesses, and property owners within 300' of the property.

Alternatives

1. Adopt the Negative Declaration and approve the Special Development Permit and Tentative Map with the attached conditions.
2. Adopt the Negative Declaration and approve the Special Development Permit and Tentative Map with modified conditions.

3. Adopt the Negative Declaration and deny the Special Development Permit and Tentative Map.
4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Alternative 1.

Prepared by:

Steve Lynch
Project Planner

Reviewed by:

Fred Bell
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Negative Declaration/Initial Study
4. Development Plans
5. Alternative Site Plan
6. Letter from Adjacent Neighbor

General Plan Goals and Policies

Housing and Community Revitalization Sub-Element

Policy A.2: *All new residential developments should build at least 75 percent of the permitted density.*

The proposal meets this goal with 47 housing units, where 46 units would be the 75 percent minimum allowed.

Policy C.1: *Continue efforts to balance the need for additional housing with other community values, such as preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood.*

The project provides needed housing opportunities within a neighborhood where some residential services are within walking proximity. The multi-family style of housing is compatible with the adjacent uses.

Goal D: *Maintain diversity in tenure, type, size, and location of housing to permit a range of individual choices for all current residents and those expected to become city residents.*

The project provides additional ownership opportunities within a multi-family style of residential development.

Goal E: *Maintain and increase housing units affordable to households of all income levels and ages.*

The proposal meets this goal with 41 market rate units and 6 new BMR units.

Land Use and Transportation Element

Policy N1.2: *Require new development to be compatible with the neighborhood, adjacent land uses and the transportation system.*

The project site is situated between an existing medium to high-density multi-family use and commercial uses.

Action 1.4.2: *Site higher density residential development in area to provide transitions between dissimilar neighborhoods and where impacts on adjacent land uses and the transportation system are minimal.*

The site provides as a transition from lower density residential uses to the south and a mobile home park to the north.

Community Design Sub-Element

Policy C.4: *Encourage quality architectural design, which improves the City's identity, inspires creativity, and heightens individual as well as cultural identity.*

The proposed architecture incorporates high quality design and significantly improves the visual appearance of the site.

Recommended Findings - Special Development Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

The proposed project will create 47 new, ownership housing units and eases the City's jobs/housing imbalance. The project also contributes to the need for affordable housing as defined in the Housing and Community Revitalization Sub-Element of the General Plan by providing six below market rate ownership units.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either, the orderly development of, or the existing uses being made of, adjacent properties.

The proposed architecture meets the City-Wide Design Guidelines, will be a benefit to the neighborhood, and is compatible with the existing zoning on the surrounding parcels.

Recommended Findings - Tentative Map

Staff is able to make the finding that the Tentative Map, with the Recommended Conditions of Approval, is in conformance with the Sunnyvale Municipal Code and recommends approval of the map as attached.

The condominium subdivision, together with the provisions for its design and improvements, is consistent with the objectives, policies, general land uses and programs of the General Plan. The project, in conjunction with an approved Special Development Permit, meets the overall density allowed in the proposed R-3 Zoning District and supports a land use that is compatible with the surrounding neighborhood. The project also meets the goals and policies of the General Plan, as enumerated above.

However, the approving authority shall deny the Tentative Map if it makes any of the following findings:

- A. That the subdivision is not consistent with the General Plan.
- B. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
- C. That the site is not physically suitable for the proposed type of development.
- D. That the site is not physically suitable for the proposed density of development.
- E. That the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- F. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
- H. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code.

Recommended Conditions of Approval - Special Development Permit

In addition, to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

A. Planning

1. Execute a Special Development Permit document prior to issuance of the building permit.
2. Reproduce the conditions of approval on the plans submitted for building permits.
3. If not exercised, this Special Development Permit shall expire two years after the date of approval by the final review authority.
4. This Special Development Permit is valid only in accordance with the approved plans. Any major use, site, or architectural modifications shall be treated as an amendment to the original approval, and shall be subject to approval at the public hearing before the Planning Commission. Minor modifications may be approved by the Director of Community Development. Specific Deviations allowed with this Special Development Permit are as follows:
 - Average lot size of 1,250 where 8,000 is required
 - A minimum lot width of 21' where 120' is required
 - Average front yard setback of 18' where 20' is required
 - Building heights of up to 37'1" where 30' is the maximum allowed
 - Three stories where only 2 are allowed
 - Parcels may have frontages on a private street driveway
5. Prior to the issuance of a grading permit, a "Blueprint for a Clean Bay" shall be submitted and approved by the City.
6. A final Stormwater Management Plan is subject to the review of the Director of Community Development prior to issuance of a building permit.
7. Certified Stormwater plans must be recorded with the property deed. The owner is responsible for maintaining the stormwater BMPs.
8. An Impervious Surface Data Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.

9. Individual air conditioning units, if to be used, shall not be window mounted and shall be screened from view from within the project and from adjacent streets.
10. Prior to the issuance of a Building Permit the project shall be redesigned to incorporate additional architectural elements/detailing into the exterior elevations of all the buildings so they are consistent with the design of Building Plan "B", as discussed in the report above. This redesign is subject to the review and approval of the Community Development Director.
11. The end units facing south towards the single-family residents shall be designed to minimize the privacy impact to the adjacent neighbors by incorporating the following elements: Clerestory windows, opaque glass, reduced sizes, and reduced number of windows, or other methods found to be applicable. This redesign is subject to the review and approval of the Community Development Director.
12. The applicant shall plant larger size and species trees, up to 36" boxes, in this rear landscape area. The total number of trees, species, and placement shall be at the discretion of the City Arborist and final approval shall be subject to the Director of Community Development.

B. Below Market Rate Units

1. Comply with Below Market Rate Housing (BMR) requirements as noted in SMC 19.66.
2. The project will provide 6 Below Market Rate ownership dwelling units in compliance with SMC 19.66.
3. The developer shall submit a site plan to the Housing Officer for review. The plan will include a description of the number, type, size and location of each unit on the site. The Housing Officer will then determine the specific units to be obligated as Below Market Rate (BMR) unit(s). (BMR Administrative Guidelines)
4. Prior to issuance of a building permit, the developer shall execute a Development Agreement with the City to establish the units. The rental/sale price of the BMR unit(s) is established at the time of the execution of the Development Agreement. (BMR Administrative Guidelines)
5. All BMR dwelling units shall be constructed concurrently with non-BMR units, and shall be dispersed throughout the property and shall reflect the range in numbers of bedrooms provided in the total project and shall not be

distinguished by exterior design, construction or materials. (SMC 19.66.020(c))

6. Sixty days (60) days prior to the estimated occupancy date, the developer shall notify the Housing Division of the BMR units to be available. (BMR Administrative Guidelines)
7. BMR Ownership Program - Developer and Buyer to execute "Addendum to Purchase Offer" prior to Occupancy Permit and provide copy to City. (BMR Administrative Guidelines)
8. Ownership Units - Prior to Close of Escrow, a Deed of Trust between the City and the Buyer of the BMR unit shall be recorded to establish resale and occupancy restrictions for a 30-year period.
9. The original sale price of BMR dwelling units shall comply with sales prices established by the City, which is revised annually. (SMC 19.66.040 (c))
10. Below Market Rate dwelling units shall be offered for sale only to persons qualified under the terms described in SMC 19.66.040 and 19.66.050 and described more fully in the Administrative Guidelines. (BMR Rental Units / BMR Ownership Program)
11. Resale of BMR dwelling units shall comply with procedures set forth in SMC 19.66.060.
12. In the event of any material breach of the Below Market Rate Program requirements and conditions, the City may institute appropriate legal actions or proceedings necessary to ensure compliance. (SMC 19.66.140)
13. In the event that any of the Below Market Rate dwelling units or a portion thereof is destroyed by fire or other cause, all insurance proceeds therefrom shall be used to rebuild such units. Grantee hereby covenants to cause the City of Sunnyvale to be named additional insured party to all fire and casualty insurance policies pertaining to said assisted units. (BMR Administrative Guidelines)

C. Homeowners Association

1. A copy of the recorded CC&Rs shall be submitted to the Planning Division prior to the issuance of the building permit. The CC&Rs shall include:
 - a) Provisions for short and long term maintenance of the common lot, landscaping areas, recreational areas, parking, driveways, and utility connections.
 - b) The Conditions of Approval of the Special Development Permit.

- c) All curbs along the projects private street and driveways be signed as "no parking" and marked as a red curb.
- d) Provisions for a homeowners association.
- e) Membership in and support of a homeowners association shall be mandatory for all property owners within the development. The homeowners association shall control all common facilities and shall obtain approval from the Director of Community Development prior to any modifications of the CC&Rs pertaining to or specifying the City or City requirements.
- f) All public/private easements pertaining to the project shall be identified and/or defined and made aware to the homeowners in the CC&R's.
- g) The Homeowners Association shall maintain landscaping in perpetuity in the landscape easement area along East Evelyn Ave. fronting the project site.
- h) The developer shall maintain all private utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a Homeowners Association, following sale of at least 75% of the units, whichever comes first. (Provisions in the Subdivision Agreement)
- i) Homeowners are prohibited from modifying drainage facilities and/or flow patterns without first obtaining permission from the City.
- j) There shall be provisions of post construction Best Management Practices in the CC&R's in regards to the stormwater management.

D. Building Design

1. Submit exterior materials and colors for review and approval by the Director of Community Development prior to issuance of a Building Permit.
2. Roofing materials (50 year roof minimum) and colors are subject to approval by the Director of Community Development prior to issuance of the Building Permit.

E. Landscaping and Site Plans

1. Landscape and irrigation plans shall be submitted for review and approval by the Director of Community Development prior to the issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The Landscape Plan shall include the following elements:
 - a) A tree protection plan shall be submitted for any existing trees on the site or adjacent right-of-way. Provide an inventory and valuation of any trees proposed to be removed prior to issuance of building permits.

- b) Any protected trees, (as defined in SMC Section 19.94) approved for removal, shall be replaced with a specimen tree as approved by the Director of Community Development.
 - c) Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to water pollution.
 - d) Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
 - e) Pest-resistant landscaping plants shall be considered for use throughout the landscaped area, especially along any hardscaped area.
 - f) Existing native trees, shrubs, and ground cover shall be retained and incorporated into the landscape plan to the maximum extent possible.
 - g) Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
 - h) All areas not required for parking, driveways or structures shall be landscaped.
2. Appropriate planting measures shall be used in locations where new trees are planted adjacent to new paving areas, so that future tree roots do not cause damage to the surrounding hardscape. The Director of Community Development shall have final approval prior to issuance of the building permits.
3. At the expense of the subdivider, City forces shall install such street trees as may be required by the Public Works Department.
4. The final design and colors of the masonry wall on this property are subject to approval by the Director of Community Development prior to issuance of the building permit. The wall heights and locations shall be per the above described report.
5. Submit details and specifications of all exterior lighting to be used on each house or in the front yards for review and approval by the Director of Community Development. Lighting plan should include:
- Sodium vapor (of illumination with an equivalent energy savings).
 - Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall be of pedestrian scale and not be greater than 8 feet in height on the periphery of the project.
 - Provide photocells for on/off control of all security and area lights.

- Lights shall have shields to prevent glare onto adjacent residential properties.

F. Parking/Access

1. At least 12 bicycle parking racks or lockers are required, per the submitted plans.
2. Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises.
3. All uncovered parking spaces shall be labeled "Guest Parking" as approved by the Director of Community Development.
4. All curbs along the private street and driveway be designated as "No Parking" and marked as a red curb.
5. All recycling and solid waste shall be confined to approved receptacles and enclosures. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for review and approval.

Conditions of Approval - Tentative Map

A. Planning Division

1. The Tentative Map shall be valid for a period of two years, measured from the date of approval by the final review authority.
2. The park dedication fees for this project are \$4,851.50/unit or \$228,020.50 total. This fee shall be collected prior to action on a Final Map.
3. The Final Map must be approved prior to issuance of the building permit.
4. The Tentative Map shall be applicable only in conjunction with a valid Special Development Permit.
5. An easement for emergency access shall be granted to the city over the entire area of the interior street.
6. Building Permits for the lot or lots within a recorded Final Map may be issued only in accordance with a valid Special Development Permit.

7. Any proposed Deeds, Covenants, Restrictions and By-Laws relating to the subdivision shall be submitted for review and approval by the Director of Community Development and the City Attorney.

B. Building Safety Division

1. Obtain Grading Permits as required (MCS 16.12.010).
2. Provide soils report prepared by a licensed soils laboratory (Res. 193-76).
3. Seal and cap any septic tanks and irrigation systems in accordance with Building Safety regulations.

C. Public Works

1. This project is subject to, and contingent upon, the approval of a tentative map and recordation of a Parcel/Final map prior to any permit issuance. The submittal, approval and recordation of the Parcel/Final map shall be in accordance with the provision of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements.
2. The developer shall execute a Subdivision/Development Agreement and post surety bond(s) and/or cash deposit(s) for all proposed public and/or private improvements prior to any permit issuance.
3. The developer shall pay all Public Works development fees associated with the project, including but not limited to utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to any permit issuance.
4. Developer shall pay all 1915 Bond Act assessments prior to map recordation.
5. This project is subject to a 10-foot Public Utility Easement along East Evelyn Ave. property lines.
6. The developer is required to install all public improvements as required by Sunnyvale Municipal Code Sections 18.08, including but not limited to, curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signal/signs, striping, street lights, etc.) prior to occupancy as required by the Director of Public Works.
7. All public improvements shall be installed per City's design standards pursuant to Sunnyvale Municipal Code Sections 18.12 unless otherwise approved by the Director of Public Works.

8. Any existing deficient public improvements shall be upgraded to current City standards as required by the Director of Public Works.
9. Obtain an encroachment permit with insurance requirements for all public improvements.
10. Unused driveway approaches shall be replaced with standard curb, gutters and sidewalk.
11. The developer/owner is responsible for research on private utility lines (PG & E, telephone, cable, irrigation, etc.) to ensure there are no conflicts with the project.
12. All existing utility lines and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the City.
13. All lots/parcels shall be served by utilities, allowing each lot/parcel to function separately from one another. Individual water services and meters shall be provided to each residential unit/lot.
14. All proposed on-site drainage and sanitary sewer systems shall be privately owned and maintained unless otherwise approved by the City as public system(s). The fire and domestic water systems shall be privately owned and maintained beyond the meter.
15. Existing and proposed overhead utility lines (electrical, telephone and cable TV) on-site and along street frontage shall be placed underground prior to occupancy.
16. All utility plans (PG & E, telephone, cable TV, fiber optic, etc.) shall be submitted to the Public Works Department for review and approval prior to the issuance of any permits for utility work within public right-of-way or public utility easements.
17. This project requires a sanitary sewer flow report to identify the existing sewer load and the incremental impact of the sewer discharge as a result of the new development.
18. Install cleanout(s) at the property line.
19. No trees are to be planted within 10' of laterals when the City maintains sanitary sewer mains and laterals up to the property line.

20. Provide a copy of letter requesting abandonment of public utility easement from PG&E, SBC, Cable TV and California Water Services.
21. Existing and proposed overhead utility lines (electrical, telephone and cable TV) on-site and along street frontage shall be placed underground prior to occupancy.

E. Fire Prevention

1. Comply with the Sunnyvale Fire Prevention Code (MC 2099-84; Title 19 of Calif. Admin. Code Sec.1.12(l); UFC 1982 Edition).
2. The water supply for fire protection and fire fighting systems shall be installed and operational prior to any combustible construction on the site

F. Other Public Agencies

1. Pay School Tax fees prior to issuance of a Building Permit.